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10 Attorneys for DORA BAires, individually, and
11 on behalf the estate of JUAN CARLOS
12 BAires; and Teofilo MIRANDA, an
13 individual.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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10 DORA BAires, et al.,

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12 Plaintiffs,

13 vs.

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15 THE UNITED STATES OF AMERICA; et al.,

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17 Defendants.
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No.: C 09-05171 CRB

**STIPULATION AND [PROPOSED]
ORDER RE PLAINTIFFS' THIRD
AMENDED COMPLAINT**

1 **STIPULATION AND [PROPOSED] ORDER**

2 Plaintiffs Dora Baires and Teofilo Miranda (“Plaintiffs”); Defendants United States of
3 America, the Department of Homeland Security, United States Immigration and Customs
4 Enforcement, the Division of Immigration Health Services, the Office of Detention and Removal,
5 John P. Torres, James T. Hayes, Nancy Alcantar, Timothy Aitken, and Brian Myrick; and
6 Defendants the County of Kern, Kern County Sheriff’s Department, Kern Medical Center, Lerdo
7 Detention Facility, Donald Youngblood, and Khosrow Mostofi, M.D., (“Kern County Defendants”)
8 (“Federal Defendants” and “Kern County Defendants” collectively herein “Defendants”), through
9 their respective counsel of record, hereby agree and stipulate as follows:

10 1. Whereas, Plaintiffs filed their original complaint in this Action on October 30, 2009.

11 2. Whereas, Plaintiffs filed their First Amended Complaint on May 4, 2010.

12 3. Whereas, on September 8, 2010, the Court granted the Federal Defendants’ Motions
13 to Dismiss Plaintiffs’ First Amended Complaint.

14 4. Whereas, on November 5, 2010, Plaintiffs filed their Second Amended Complaint.

15 5. Whereas, the Federal Defendants moved to dismiss the Second Amended Complaint,
16 and on May 6, 2011, the Court issued an Order granting in part and denying in part the Federal
17 Defendants’ Motions, without prejudice (“Order”).

18 6. Whereas, Plaintiffs now seek to file their Third Amended Complaint.

19 7. Whereas, the parties wish to set July 6, 2011, as the deadline to file the Third
20 Amended Complaint to allow the Federal Defendants to produce any documents identified by the
21 Court in its Order by June 6, 2011, and to allow Plaintiffs to review these documents.

22 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties through their
23 respective counsel of record, that:

1 Plaintiffs may amend their complaint and file their Third Amended Complaint by or before
2 July 6, 2011. Defendants shall have thirty (30) days to respond to the Third Amended Complaint
3 after filing, provided that no new Federal Defendants are named. If Plaintiffs name new Federal
4 Defendants, the Federal Defendants shall have sixty (60) days to respond to the Third Amended
5 Complaint after filing.

6 **IT IS SO STIPULATED.**

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8 DATED: June 1, 2011.

9 REED SMITH LLP

10 By /s/ Katie B. Annand
11 Katie B. Annand
12 Attorneys for Plaintiffs

13
14 DATED: June 1, 2011.

15 MELINDA HAAG

16 By /s/ Abraham A. Simmons
17 Abraham A. Simmons Assistant United States
18 Attorney
19 Attorneys for Federal Defendants

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21 DATED: June 1, 2011.

22 THERESA A GOLDNER, COUNTY COUNSEL

23 By /s/ Marshall S. Fontes
24 Marshall S. Fontes, Deputy County Counsel
25 Attorneys for Kern County Defendants

1 [PROPOSED] ORDER
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4 IT IS HEREBY ORDERED, upon the consent of the parties, that Plaintiffs shall file their
5 Third Amended Complaint no later than July 6, 2011.
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8 DATED June 3, 2011.
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